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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

JOSHUA ROSEWOLF, an individual, et al.,

Plaintiffs,

v.

MERCK & CO., INC., a New Jersey
Corporation, et al.,

Defendants.

Case No. 4:22-cv-02072-JSW

**JOINT STIPULATION TO RELATE
ADDITIONAL CIVIL CASE;
~~[PROPOSED]~~ ORDER**

(Local Rules 3-12, 7-11, 7-12)

The Hon. Jeffrey S. White

This document also relates to:

MARK STARR, an individual,

Plaintiff,

v.

MERCK & CO., INC., a New Jersey
Corporation, et al.,

Defendants.

Case No. 4:22-cv-02138-JSW

The Hon. Jeffrey S. White

1 This document also relates to:

2 SHAUNA GIBSON, an individual, et al.,

3 Plaintiffs,

4 v.

5 MERCK & CO., INC., a New Jersey
6 Corporation, et al.,

7 Defendants.

Case No. 4:22-cv-02263-JSW

The Hon. Jeffrey S. White

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9 This document also relates to:

10 TYLER SKINNER, an individual,

11 Plaintiff,

12 v.

13 MERCK & CO., INC., a New Jersey
14 Corporation, et al.,

15 Defendants.

Case No. 4:22-cv-02260-JSW

The Hon. Jeffrey S. White

16 This document also relates to:

17 AMY ANDERSON, an individual, et al.

18 Plaintiff,

19 v.

20 MERCK & CO., INC., a New Jersey
21 Corporation, et al.,

22 Defendants.

Case No. 3:22-cv-02991-JCS

The Hon. Joseph C. Spero

STIPULATION

WHEREAS, by order dated April 26, 2022, the Honorable District Judge Jeffrey S. White granted Plaintiffs' Administrative Motion to Consider Whether Cases Should be Related with modification, and ordered the following cases related to the low-numbered action entitled *Rosewolf et. al., v. Merck & Co., Inc., et al.*, N.D. Cal. Case No. 4:22-cv-02072-JSW ("*Rosewolf*"): (1) *Starr v. Merck & Co., Inc., et al.*, N.D. Cal. Case No. 4:22-cv-02138-JSW ("*Starr*"); (2) *Gibson et. al., v. Merck & Co., Inc., et al.*, N.D. Cal. Case No. 4:22-cv-02263-JSW ("*Gibson*"); and (3) *Skinner v. Merck & Co., Inc., et al.*, N.D. Cal. Case No. 4:22-cv-02260-JSW ("*Skinner*") (*see, e.g., Rosewolf* ECF Doc. 28);

WHEREAS, the *Rosewolf, Starr, Gibson, and Skinner* cases are all presently assigned to the Honorable District Judge Jeffrey S. White for the Northern District of California, and the parties are presently engaged in briefing on Defendants' motions to dismiss and motions to sever claims across the four cases;

WHEREAS, on May 20, 2022, Defendants removed to federal court an additional, related action, entitled *Anderson, et al. v. Merck & Co., Inc.*, N.D. Cal. Case No. 3:22-cv-02991-JCS ("Anderson"), which is presently assigned to the Honorable Joseph C. Spero, Chief Magistrate Judge for the Northern District of California;

WHEREAS, the parties to the foregoing five actions, by and through their respective counsel of record, contend the actions involve substantially the same parties, transactions, or events (L.R. 3-12(a)), and it appears likely that there may be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges (L.R. 3-12(b));

WHEREAS, the parties, by and through their respective counsel of record, contend that the newly removed *Anderson* case is related to the *Rosewolf, Starr, Gibson, and Skinner* cases within the meaning of Northern District of California Civil Local Rule 3-12(a), for the same reasons set forth in the Court's April 26, 2022 Order (*see, e.g., Rosewolf* ECF Doc. 28);

WHEREAS, the parties contend that the treatment of the *Anderson* case as related to the *Rosewolf, Starr, Gibson, and Skinner* cases would serve the interests of judicial economy and

1 avoid any potential for conflicting rulings,

2 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE that the
3 *Anderson* action be deemed related to the lowest-numbered *Rosewolf* action pending before this
4 Court, within the meaning of Local Rule 3-12, and reassigned to the Honorable Jeffrey S. White.

5
6 IT IS SO STIPULATED.

7 DATED: May 25, 2022

BOUCHER LLP

8
9 By: /s/ Shehnaz M. Bhujwala

10 SHEHNAZ M. BHUJWALA

11 Attorneys for Plaintiffs

12 DATED: May 25, 2022

KING & SPALDING LLP

13
14 By: /s/ Julia Romano

15 JULIA ROMANO

16 Attorneys for Defendants

17
18 ~~(PROPOSED)~~ ORDER

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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21
22 DATED: May 26, 2022

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HON. JEFFREY S. WHITE